

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RISHI AND RESHMA GIDWANI, AS PROPERTY OWNERS OF 3609 NORTHSIDE DRIVE, THROUGH THEIR AUTHORIZED REPRESENTATIVE GARY THE CARPENTER, PERMITTING A RELEASE OF LIEN [UPON PAYMENT BY THE OWNERS IN THE AMOUNT OF \$_____]; RESCINDING PRIOR RESOLUTION 19-238; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West holds liens in the total amount of \$934,000.00 plus accrued interest against a property located at 3609 Northside Drive, owned by Rishi and Reshma Gidwani, by virtue of code enforcement orders originating in Code Compliance Case number 06-0654 (Compliance achieved July 3, 2019, lien accrued to \$699,600.00); Code Compliance Case number 08-1368 (Partial compliance achieved October 29, 2008, additional compliance achieved November 21, 2008, lien in the amount of \$9,750.00); and Case Number 12-0991 (Compliance achieved May 13, 2019, lien accrued to \$224,650.00), each duly recorded with the Monroe County Clerk of Court; and

WHEREAS, Florida Statute 162.09(3) mandates that a certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator; and

WHEREAS, the property owners brought the most recent code violation at 3609 Northside Drive into compliance on July 3, 2019; and

WHEREAS, on May 30, 2019, a request for mitigation of lien was executed by the property owner, and it was placed on the City Commission agenda of August 6, 2019; and

WHEREAS, neither the Authorized Representative nor the property owners were present to address the City Commission at the August 6th meeting; and

WHEREAS, in Resolution No. 19-238, approved on August 6, 2019, the City Commission approved mitigation of said liens in the total amount of \$93,400.00, conditioned upon payment of the lien amount within 30 days of the Resolution; and

WHEREAS, on November 19, 2019, the City Commission considered again the request to release the liens imposed on the property located at 3609 Northside Drive, to allow the property owners an opportunity to provide comments in person at the meeting; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Manager, upon the advice and consent of the City Attorney, is authorized to enter into an agreement with Rishi and Reshma Gidwani, the owners of the property known 3609 Northside Drive, through their authorized Representative Gary the Carpenter, to allow the City's release of lien [upon payment of a mitigated amount of \$_____].

Section 2: That the property owner shall pay the reduced lien amount of \$_____ within thirty (30) days of the date of this Resolution as a condition precedent to the release of the \$934,000.00 lien.

Section 3: That Resolution 19-238, which authorized a Satisfaction of Lien in the amount of \$93,400.00, is hereby rescinded, to be replaced with this Resolution.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2019.

Filed with the Clerk on _____, 2019.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK